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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ashkenazi, et al. Docket No.: 39780-2730P1C44
Serial No.: 09/997,428 Group Art Unit: 1646
Filing Date: November 15, 2001 Examiner: Hamud, Fozia M.
For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND
NUCLEIC ACIDS ENCODING THE SAME**
Express Mail Label No.: EL 977 610 983 US
Mailing Date: January 4, 2005

NOTICE OF APPEAL

Mail Stop AF
Commissioner for Patent
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated November 15, 2004 of the Primary Examiner finally rejecting Claims 119-127 and 129-131. The item(s) marked below are appropriate:



Filing Fee:



\$250.00 (small entity)



\$500.00 (large entity)



Time Extension Fee (if applicable):



one months (\$ small/large entity)



two months (\$ small/large entity)



three months (\$ small/large entity)



The Commissioner is authorized to charge filing fee, additional fees or credit overpayment to Deposit Account No. **08-1641** (39780-2730P1C44).

Date: January 4, 2005

By: 

Ginger R. Dreger

Reg. No. 33,055

HELLER EHRMAN WHITE & McAULIFFE LLP

Customer No. 35489
275 Middlefield Road
Menlo Park, California 94025
Telephone: (650) 324-7000


01/07/2005 MAHME1 00000015 081641 09997428
01 FC:1401 500.00 DA

Please type a plus sign (+) inside this box ☐

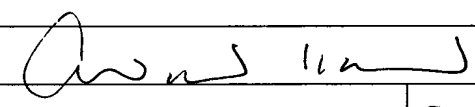
PTO/SB/21 (6-99)

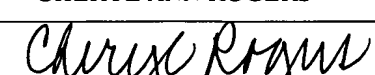
Approved for use through 09/30/2000. OMB 0651-0031
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| | | | |
|---|-----------------------------|-------------------------------|-----------------|
|  <p>TRANSMITTAL FORM (to be used for all correspondence after initial filing)</p> | Application Number | 09/997,428 | |
| | Filing Date | November 15, 2001 | |
| | First Named Inventor | Ashkenazi, et al. | |
| | Group/Art Unit | 1647 | |
| | Examiner Name | Hamud, Fozia M. | |
| Total Number of Pages in This Submission | | Attorney Docket Number | 39780-2730P1C44 |

| ENCLOSURES (check all that apply) | | |
|--|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Version with Markings Showing Changes <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): stamped return postcard |
| Remarks AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER (Reference Atty. Docket No. 39780-2730P1C44). | | |

| SIGNATURE OF APPLICANT, ATTORNEY OR AGENT | | | |
|---|---|------------------|-------|
| Firm or Individual name | GINGER R. DREGER, ESQ., REG. NO. 33,055, HELLER EHRMAN WHITE & McAULIFFE LLP | | |
| Signature |  | | |
| Date | JANUARY 4, 2005 | Customer Number: | 35489 |

| CERTIFICATE OF EXPRESS MAILING | | | |
|---|---|------|-----------------|
| I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: Mail Stop <u>AF</u> , Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 | | | |
| Express Mail Label <u>EL 977 610 983 US</u> | | | |
| Typed or printed name | CHERYL ANN ROGERS | | |
| Signature |  | Date | JANUARY 4, 2005 |

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FEE TRANSMITTAL

for FY 2005

Effective 12/08/2004. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)**500.00**

Complete if Known

Application Number **09/997,428**
Filing Date **November 15, 2001**
First Named Inventor **Ashkenazi, et al.**
Examiner Name **Hamud, Fozia M.**
Art Unit **1647**
Attorney Docket No. **39780-2730P1C44**

METHOD OF PAYMENT (check one)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit
Account
Number

08-1641 (Docket No. 39780-2730P1C44)

Deposit
Account
Name

Heller Ehrman White & McAuliffe LLP

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|----------------------|-----------------------|----------------------|-----------------------|------------------------|----------|
| 1001 | 300 | 2001 | 150 | Utility filing fee | |
| 1002 | 350 | 2002 | 175 | Design filing fee | |
| 1003 | 550 | 2003 | 275 | Plant filing fee | |
| 1004 | 790 | 2004 | 395 | Reissue filing fee | |
| 1005 | 200 | 2005 | 100 | Provisional filing fee | |

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| Total Claims | -20** = | x | = |
| Independent Claims | -3** = | x | = 0 |
| Multiple Dependent | | | = 0 |

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description |
|----------------------|-----------------------|----------------------|-----------------------|---|
| 1202 | 50 | 2202 | 25 | Claims in excess of 20 |
| 1201 | 200 | 2201 | 100 | Independent claims in excess of 3 |
| 1203 | 360 | 2203 | 180 | Multiple dependent claim, if not paid |
| 1204 | 200 | 2204 | 100 | **Reissue independent claims over original patent |
| 1205 | 50 | 2205 | 25 | **Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|----------------------|-----------------------|----------------------|-----------------------|--|----------|
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 | 130 | 1053 | 130 | Non-English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for <i>ex parte</i> reexamination | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 | 120 | 2251 | 60 | Extension for reply within first month | |
| 1252 | 450 | 2252 | 225 | Extension for reply within second month | |
| 1253 | 1,020 | 2253 | 510 | Extension for reply within third month | |
| 1254 | 1,590 | 2254 | 795 | Extension for reply within fourth month | |
| 1255 | 2,160 | 2255 | 1,080 | Extension for reply within fifth month | |
| 1401 | 500 | 2401 | 250 | Notice of Appeal | 500.00 |
| 1402 | 500 | 2402 | 250 | Filing a brief in support of an appeal | |
| 1403 | 1,000 | 2403 | 500 | Request for oral hearing | |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 500 | 2452 | 250 | Petition to revive - unavoidable | |
| 1453 | 1,500 | 2453 | 750 | Petition to revive - unintentional | |
| 1501 | 1,400 | 2501 | 700 | Utility issue fee (or reissue) | |
| 1502 | 800 | 2502 | 400 | Design issue fee | |
| 1503 | 1,100 | 2503 | 550 | Plant issue fee | |
| 1460 | | 1460 | | Petitions to the Commissioner | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(q) | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 | 790 | 2809 | 395 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 | 790 | 2810 | 395 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 | 790 | 2801 | 395 | Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |

Other fee (specify) _____

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**500.00**

SUBMITTED BY

| | | | | | |
|-------------------|-------------------------------|-----------------------------------|------------------------|--------------|---------------------|
| Name (Print/Type) | GINGER R. DREGER, ESQ. | Registration No. (Attorney/Agent) | 33,055 | Telephone | 650-324-7000 |
| Signature | | Date | JANUARY 4, 2005 | Customer No. | 35489 |

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop __, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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